

Remarks

Claims 1-11 and 20-26 are pending. Claim 9 is allowed. Claims 1-8, 10-11, and 26 are rejected; claims 20-25 are objected to. Applicants traverse the rejection and request consideration of the following remarks.

Rejection under 35 U.S.C. § 103(a)

Claims 1-8, 10-11 and 26 are rejected as obvious in light of Hallenbach et al. (EP 202,538). Hallenbach discloses a thiophene compound (#38). Hallenbach differs from Applicants' compounds by a methyl group on the urea side chain. It is then alleged that Applicants' unsubstituted ureas are an obvious variant of the Hallenbach compound. Applicants traverse.

To establish a *prima facie* case of obviousness, three requirements must be met: (i) there must be some suggestion or motivation in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference; (ii) there must be a reasonable expectation of success; and (iii) the prior art reference(s) must teach or suggest all the claimed limitations. MPEP 2143. For reasons delineated below, Applicants submit that one or more of these requirements is not met, and a *prima facie* case of obviousness is not established.

First, nowhere in the Action is a teaching or suggestion identified in Hallenbach that provides the motivation to arrive at Applicants' compounds having an unsubstituted urea and an unsubstituted amide attached to a core ring. In fact, review of Hallenbach reveals that of the 223 thiophene compounds exemplified therein, only three (1% of the exemplified compounds) have an unsubstituted urea group and none of those (0% of the exemplified compounds) has an unsubstituted amide group and an unsubstituted urea group attached to the core ring. Hallenbach also provides no guidance as to the desirability of replacing alkyl substituents on the urea with hydrogens. Second, Hallenbach only discloses general animal feeding results for fused-bicyclic thiophene compounds (see, Hallenbach at pages 42-43). Nowhere is the animal feeding efficacy of thiophene compounds for feeding described, nor can one assess the effect of varying the chemical functional groups on any of the Hallenbach thiophene compounds on

Applicant : Andrew Baxter et al.
Serial No. : 09/868,884
Filed : June 22, 2001
Page : 14 of 14

Attorney's Docket No.: 06275-233001 / Z70663-1P US

animal feeding activity. Furthermore, Hallenbach's compounds are used for animal feeding, a completely different function/biological activity compared to Applicants' IKK-2 enzyme inhibition activity and inflammatory disease applications. Thus, the Action fails to establish any motivation or suggestion of Applicants' compounds, and also fails to establish any reasonable expectation of success for the use of Applicants' compounds. As such, Applicants submit that Hallenbach fails to establish at least criteria (i) and (ii) above for a *prima facie* case of obviousness and respectfully request that the rejection be withdrawn.

Objections

Claims 20-25 are objected to as being dependent upon a rejected base claim. Applicants submit for the aforementioned reasons that as claim 1 is in allowable condition, claims 20-25, which depend therefrom, are allowable.

Applicants submit that the claims are in condition for allowance. Enclosed is a check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050, referencing attorney docket number 06275-233001.

Respectfully submitted,

Date: December 8, 2003



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